

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

**FRED HANEY, MARSHA MERRILL,
SYLVIA RAUSCH, STEPHEN SWENSON,
and ALAN WOOTEN, Individually and on
Behalf of All Others Similarly Situated,**

Plaintiffs,

vs.

**GENWORTH LIFE INSURANCE
COMPANY and GENWORTH LIFE
INSURANCE COMPANY OF NEW
YORK,**

Defendants.

Civil Action No. 3:22-cv-00055-REP

CLASS ACTION

**JOINT MOTION FOR LEAVE TO FILE STIPULATION OF SECOND
AMENDED CLASS ACTION SETTLEMENT
AGREEMENT OUT OF TIME**

Plaintiffs Fred Haney, Marsha Merrill, Sylvia Rausch, Stephen Swenson, and Alan Wooten, on behalf of themselves and the Class, and Defendants Genworth Life Insurance Company and Genworth Life Insurance Company of New York (together, the “Parties”) respectfully ask for leave to file out of time the accompanying Stipulation of Second Amended Class Action Settlement Agreement, which the Parties proposed and the Court ordered be submitted yesterday November 30. In support of this Motion, the Parties submit as follows:

1. The Second Amended Settlement Agreement was completed and executed by the close of business yesterday. Unfortunately, when combined and converted into final PDF form for ECF filing, the document’s formatting corrupted. Defendants’ counsel immediately dedicated technical resources to correct the document.

2. The difficulties continued, however, and despite Defendants' counsel's best efforts, were unable to be resolved until shortly after 1:00 AM ET. Therefore, the Parties jointly and respectfully seek leave to submit the Stipulation of Second Amended Settlement Agreement at this time.
3. The parties have attached the Stipulation of Second Amended Settlement Agreement, as well as the Second Amended Settlement Agreement itself, to this Motion.
4. Defendants' counsel have consulted with Plaintiffs' counsel, and Plaintiffs' counsel join Defendants' counsel in seeking the relief requested in this Motion.
5. The filing of the Stipulation and Second Amended Settlement Agreement today, December 1, will not delay resolution of this matter or impact any other deadlines in the case.

For the foregoing reasons, the Parties respectfully ask for leave to file out of time the accompanying Stipulation of Second Amended Class Action Settlement Agreement and Second Amended Class Action Settlement Agreement. A proposed Order granting the requested relief is attached.

[signatures on next page]

DATED: December 1, 2022

Respectfully submitted,

/s/ Jonathan M. Petty (with permission)

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DATED: December 1, 2022

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CERTIFICATE OF SERVICE

I certify that on the 1st day of December, 2022, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF System, which will send a notification of such filing to all counsel of record.

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